



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 5382-98

3 June 1999

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 April 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Marine Corps on 29 September 1957 with two years of prior active service. Prior to the offenses for which you received a bad conduct discharge, you received nonjudicial punishment and were convicted by two summary courts-martial. The offenses included unauthorized absences totalling seven days, failure to obey a lawful order on four occasions, breaking restriction, and possession of an altered identification card. Subsequently, on 23 December 1959 you were convicted by civil authorities of petty theft. The court sentenced you to confinement for thirty days.

A special court-martial convened on 11 January 1960 and found you guilty of unauthorized absences totalling 79 days and failure to obey a lawful order. The court sentenced you to confinement at hard labor for three months, forfeitures of \$40 per month for three months, and a bad conduct discharge. Subsequently, on 11 October 1960 you were convicted by civil authorities of forgery. The court sentenced you to confinement for 1 to 15 years. You

received the bad conduct discharge on 16 December 1960.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your unauthorized absences totalling about three months and the two civil convictions. Based on the foregoing, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director